

FILED

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APR 09 2021

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
 BY **DEPUTY**

United States District Court		Western District of Oklahoma	
Name (under which you were convicted): CHRISTOPHER STEVEN LEDBETTER		Docket or Case No.: M-20-255-SM	
Place of Confinement: Logan County Jail & Pottawatomie Co. Jail (Present)		Prisoner No.: 2020-0564	
UNITED STATES OF AMERICA		Movant (include name under which convicted) v. CHRISTOPHER STEVEN LEDBETTER	

MOTION

- (a) Name and location of court that entered the judgment of conviction you are challenging: United States Courthouse
200 N.W. 4TH Street
Oklahoma City, OK 73102
 (b) Criminal docket or case number (if you know): 45
- (a) Date of the judgment of conviction (if you know): _____
 (b) Date of sentencing: December 17, 2020
- Length of sentence: 57 months
- Nature of crime (all counts): 1 count Possession of Machine Gun
(18 U.S.C. § 922(o)(1))

- (a) What was your plea? (Check one)
 (1) Not guilty ☐ (2) Guilty ☒ (3) Nolo contendere (no contest) ☐
 (b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to? _____

- If you went to trial, what kind of trial did you have? (Check one) Jury ☐ Judge only ☐

**Motion to Vacate, Set Aside, or Correct a Sentence
By a Person in Federal Custody**

(Motion Under 28 U.S.C. § 2255)

Instructions

1. To use this form, you must be a person who is serving a sentence under a judgment against you in a federal court. You are asking for relief from the conviction or the sentence. This form is your motion for relief.
2. You must file the form in the United States district court that entered the judgment that you are challenging. If you want to challenge a federal judgment that imposed a sentence to be served in the future, you should file the motion in the federal court that entered that judgment.
3. Make sure the form is typed or neatly written.
4. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
5. Answer all the questions. You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a brief or arguments, you must submit them in a separate memorandum.
6. In this motion, you may challenge the judgment entered by only one court. If you want to challenge a judgment entered by a different judge or division (either in the same district or in a different district), you must file a separate motion.
7. When you have completed the form, send the original and two copies to the Clerk of the United States District Court at this address:

Clerk, United States District Court
Western District of Oklahoma
200 N.W. 4th Street, Room 1210
Oklahoma City, OK 73102

8. **CAUTION:** You must include in this motion all the grounds for relief from the conviction or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this motion, you may be barred from presenting additional grounds at a later date.
9. **CAPITAL CASES:** If you are under a sentence of death, you are entitled to the assistance of counsel and should request the appointment of counsel.

7. Did you testify at a pretrial hearing trial, or post-trial hearing?

Yes ☒ No ☐

I was not allowed to speak at pre-trial, but lawyer testified.

8. Did you appeal from the judgment of conviction?

Yes ☐ No ☒

9. If you did appeal, answer the following:

(a) Name of court: _____

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: _____

(g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If "Yes," answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

(5) Grounds raised: _____

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: United States District Court, Western District of Oklahoma

(2) Docket or case number (if you know): CIV-21-0197-F (3) Date of filing (if you know): March, 9, 2021

Nature of the proceeding: Petition for a Writ of Habeas Corpus 28 U.S.C. § 2241 (4)

(5) Grounds raised: Illegal Imprisonment, Wrongful Charge, Illegal Seizures, Ineffective Counsel.

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☒

(7) Result: Dismissed without Prejudice

(8) Date of result (if you know): March 22, 2021

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☐

(7) Result: _____

(8) Date of result (if you know): _____

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not: _____

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: I was arrested by FBI JTTF on June 4, 2020 while at a homeowner's construction jobsite in OKC. I was not given a warrant after my arrest at first. Later my lawyer, Michael Johnson, presented me with a criminal complaint and a warrant both dated June 5, 2020 and notary stamped the same date, with no information or signatures under "arresting officers" section.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): Attached Criminal Complaint and Warrant

(b) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(c) **Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: Petition for Writ of Habeas Corpus (28 U.S.C. § 2241) Name
 and location of the court where the motion or petition was filed: United States District Court,
Western District of Oklahoma

Docket or case number (if you know): CIV-21-0197-F

Date of the court's decision: March 22, 2021 Result

(attach a copy of the court's opinion or order, if available): Dismissed without Prejudice

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: Filed under wrong § 2241, refiling appropriately under § 2255.

GROUND TWO: The firearm I was charged with already met the ATF legal definition of "machinegun" when I legally purchased it.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

The firearm in question is a Romanian AKM with the receiving trunnion dated 1976 and serial number GV2300. The firearm was built from a parts kit including some newer pieces, but all numbers matching serialized components were originally manufactured as full auto in 1976. Purchased by me from Big Boys Guns and Ammo in Oklahoma.

(2) If you did not raise this issue in your direct appeal, explain why:

Yes ☒ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

(2) If your answer to Question (c)(1) is "Yes," state:
Type of motion or petition: Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)
United States District Court, Western District of

Name and location of the court where the motion or petition was filed: United States District Court, Western District of Oklahoma
Docket or case number (if you know): CIV-21-0197-F

Date of the court's decision: March 22, 2021

Date of the court's decision: March 22, 2021
Result (attach a copy of the court's opinion or order, if available): Dismissed without Prejudice

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: Filed
under wrong § 2241, refiling appropriately
under § 2255.

GROUND THREE: The FBI with Special Agent James A. Anderson in charge
committed armed robbery by taking many more belongings from
myself, my family, and other homeowners without presenting a search
 (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): warrant
Took all firearms from me and my Mother and
Father as well as phone, cameras, etc. and never
gave back any firearms and various other belongings
past 30 days after sentencing. Also took
neighbor's children's school computers, destroyed
special needs child's feeding tube, door, etc.
Pictures taken.
beforehand.

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)

Name and location of the court where the motion or petition was filed: United States District Court,
Western District of Oklahoma

Docket or case number (if you know): CIV-21-0197-F

Date of the court's decision: March 22, 2021

Result (attach a copy of the court's opinion or order, if available): Dismissed
without Prejudice

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: Filed
under wrong § 2241, refiling appropriately
under § 2255.

GROUND FOUR: My paid Lawyer, Michael Johnson, gave me an illegal warrant dated after
my arrest, gave away my right to appeal w/o my consent, and repeatedly threatened my family to
not talk.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

The illegal warrant itself, my Mother's phone records,
and no signature or statement from me ever giving away
my right to appeal. He also admitted to me that
he murdered civilians while in military
service and laughed about it, insulted me repeatedly,
and lied repeatedly and omitted legal information
and documents from ever showing them to me.

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(c) Post-Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☒ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: Petition for Writ of Habeas Corpus (28 U.S.C. § 2241)Name and location of the court where the motion or petition was filed: United States District Court,
Western District of OklahomaDocket or case number (if you know): CIV-21-0197-FDate of the court's decision: March 22, 2021Result (attach a copy of the court's opinion or order, if available): Dismissed without Prejudice.

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: Filed under wrong § 2241, refiling appropriately under § 2255.

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: None have been previously presented in federal court because my petition under § 2241 incorrectly and now is correctly being filed under § 2255, and before now as stated my hired lawyer informed my family that he gave away my right to appeal without my consent.

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging?
 Yes ☐ No ☒
 If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. _____

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:
- (a) At preliminary hearing: Michael Johnson 1103 NW 87TH Street
Oklahoma City, OK 73114
- (b) At arraignment and plea: Michael Johnson 1103 NW 87TH Street
Oklahoma City, OK 73114
- (c) At trial: _____
- (d) At sentencing: Michael Johnson 1103 NW 87TH Street
Oklahoma City, OK 73114
- (e) On appeal: _____
- (f) In any post-conviction proceeding: _____
- (g) On appeal from any ruling against you in a post-conviction proceeding: _____
16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?
 Yes ☐ No ☒
17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐
 No ☒
 (a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

 (b) Give the date the other sentence was imposed: _____
 (c) Give the length of the other sentence: _____
 (d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

-
- This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that: A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following relief:

Examine the proof and release me immediately from illegal imprisonment, pay all fees due to others and me, return all stolen belongings except for machinegun that falls under gun store's responsibility, file the crimes committed described herein.

or any other relief to which movant may be entitled.

John Johnson
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on APRIL, 2, 2021 (month, date, year).

Executed (signed) on APRIL 2, 2021 (date).

Christopher Ledbetter
Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not signing this motion. _____

